



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
FROM: Commission Secretary's Office
DATE: February 26, 2014
SUBJECT: Comments on Draft AO 2013-18
(Revolution Messaging, LLC)

leaf

Attached is a timely submitted comment received from Robert E. Rutkowski. This matter is on the February 27, 2014 Open Meeting Agenda.

Attachment



"Robert E. Rutkowski"

02/26/2014 06:49 AM

To <secretary@fec.gov>
cc
bcc
Subject Comments on Draft Advisory Opinions 2013-18 (Revolution Messaging)

FEDERAL ELECTION COMMISSION
RECEIVED FEB 26 A 4:50

Ellen L. Weintraub, Chair
Federal Election Commission
999 E Street, NW
Washington, DC 20463
(800) 424-9538
secretary@fec.gov

Re: Comments on Draft Advisory Opinions 2013-18 (Revolution Messaging)

Dear Chair,

The Federal Election Commission should uphold federal disclaimer requirements for political advertisements on mobile phones and further pressed the agency to conduct a related rulemaking originally proposed by the FEC in 2011.

The Commission will consider multiple draft opinions at its Thursday meeting and the comments of the Campaign Legal Center and Democracy 21 promote the adoption of Revised Draft A, which concludes that the advertisements in question do not qualify for exemptions but that certain alternative means of delivering the disclaimers is acceptable (e.g., linking to a website that contains the complete disclaimer). The comments strongly condemned Draft B, which concludes that the ads are exempt from the disclaimer requirements, warning that its adoption would eviscerate disclaimer requirements for political ads delivered via mobile phones—a rapidly growing type of advertising.

The use of mobile phones and other Internet applications to deliver political ads is the wave of the future. The disclaimer rules apply to these new technologies, and it is the job of the Commission to make the disclaimer requirements of the law work, not to throw in the towel and leave the public in the dark. There are readily available ways to provide disclaimer information to the public, even within the confines of political ads delivered to mobile phones. The Commission here should reject the proposal to provide a blanket exemption from the disclaimer rules for political ads delivered to mobile phones and similar new technologies, and conduct a rulemaking to provide clear guidance on how this is to be done in the future.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,
Robert E. Rutkowski

cc: House Minority Leadership

Re: Groups comments:

http://www.democracy21.org/wp-content/uploads/2014/02/CLC_D21_Comments_on_Draft_AO_2013-18

Revolution Messaging 2-25-14.pdf